

INDIANA TREASON
TRIALS

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The Civil War

Indiana Treason Trials

Excerpts from newspapers and other sources

From the files of the
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Lincoln Lore

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TREASON IN INDIANA

A Review Essay

Late at night on October 9, 1862, Dr. Theodore Horton of Wells County, Indiana was called to a carriage which waited in front of his house by a man who was a perfect stranger. As a rural physician, Dr. Horton was used to travelling long distances with strangers to take care of some medical emergency in the county. After they had covered some distance on the road, the stranger arrested the doctor and took him to the Federal Building in Indianapolis. After five weeks' confinement, the authorities released the doctor without granting him a hearing or telling him the specific offense for which he had been arrested.

Not long before the night of his arrest, Dr. Horton had attended a political mass meeting addressed by a Republican candidate for the state legislature and by an army recruiting officer. The officer had failed in his request for volunteers for the army, and the crowd had urged Dr. Horton to speak. Witnesses agreed that the doctor linked the recruiting failure to the fact that the Civil War had been converted into a crusade to eliminate slavery and states' rights. Republican witnesses claimed that he urged this as justification for refusing to enlist; Democratic witnesses claimed the doctor merely explained the reason for the recruiting officer's failure. Whatever the case, clearly the doctor's arrest stemmed from his behavior at that political meeting.

Dr. Horton's arrest is one of many incidents recounted in G. R. Tredway's new book, *Democratic Opposition to the Lincoln Administration in Indiana* ([Indianapolis]: Indiana Historical Bureau, 1973). Tredway casts his nets broadly, but in general it can be said he means "opposition" with a vengeance. He does not recount the political opposition of the Democratic legislature in Indiana to the Republican administration in the State or in Washington. Rather his book focuses on the formation of various secret societies embracing prominent Democrats in their membership, their involvement with a "Northwest Conspiracy" to aid the Confederacy,

and the trials for treason which resulted from the exposure of the conspiracy in 1864. To the degree that other instances like the Horton arrest are covered in the book, they are present as background and setting for the formation of the secret societies, the Northwest Conspiracy, and the treason trials. In short, Tredway's book belongs on the shelf with the works of Frank Klement on Copperheads in the Midwest; that, and not Indiana politics in general or Indiana's direct relationship with the Lincoln administration, is the subject of the book.

The Copperheads, steeped in the bitterest controversy of their own era, were bound for controversial treatment at the hands of historians. In general, studies since the 1940's (when "fifth column" movements seemed to be the cause of early fascist successes) have attempted to exonerate the Democratic party from the identification with Copperheadism which Republican politicians of the Civil

War era attempted to establish and succeeded in establishing in the history books for many years thereafter. Most historians agree that the Civil War Democratic party constituted by and large a loyal opposition, although there is little agreement beyond that basic point on what their grounds of opposition were. The questions about Copperheads that remain seem to be three: (1) How large a following did the Copperheads, defined loosely as "peace Democrats," have in the Democratic party? (2) Were the intentions of even the Copperhead or peace-Democrat faction treasonable? (3) Why did they have those intentions to oppose the war? Were they old-fashioned agrarians who harked back to the Jeffersonian and Jacksonian opposition to banks, internal improvements or railroads, and tariffs (and anticipated late nineteenth-century agrarian opposition to railroads by means of Granger laws)? Were they traditional believers in Jeffersonian versions of American constitutional liberty who could not adapt to the curtailments of civil liberties in the North that came with the military campaigns against the South? Were they racists,



From the Lincoln National Life Foundation

The above portraits formed the frontispiece of Benn Pitman, ed., *The Trials for Treason at Indianapolis, Disclosing the Plans for Establishing a North-Western Confederacy* (Cincinnati: Moore, Wiltach & Baldwin, 1865).

pure and simple, driven to opposition by the Emancipation Proclamation and Lincoln's gradual approach to radical policies on the Negro? Were they men of Southern origins moved North only in body but not in spirit?

Only two of the questions have been answered to anyone's satisfaction and one of the two only in part. As Richard O. Curry points out in his summary review of literature on the question, "The Union As It Was: A Critique of Recent Interpretations of the 'Copperheads,'" *Civil War History*, XIII (March, 1967), 25-39, it is clear today as never before that Copperheads were not Grangers-in-the-making. For even if the Copperheads were doctrinaire agrarians who feared the commercial domination of the Northeast, the so-called Granger laws, aimed at the fingers of eastern commercial domination, the railroads, were the product of commercial and small-town animosity, not of farmers' animosity. Whether the Copperheads were agrarians or not remains a moot question, but if they were, they looked backward to the era of Jefferson and Jackson rather than forward to the conflicts of the Gilded Age.

Moreover, it seems clear that Copperheads were not necessarily men of Southern origins living in the southern counties of midwestern states. Curry summarizes studies of Iowa and Ohio that found Copperheads in regions that voted heavily Democratic before the war, whether in the northern or southern sections of the states. Kenneth Stampp's *Indiana Politics During the Civil War* (Indianapolis: Indiana Historical Bureau, 1949) argues that dependence of the southern counties on river trade through the Ohio-Mississippi Rivers system made them vigorous supporters of the war effort to get the Mississippi back in the Union. Tredway's book confirms this incidentally by citing the south-central (Sullivan, Greene, Monroe, and Brown, for example) rather than southern counties as the areas where murders of draft enlistment officers and general violent conflicts between Democrats and Republicans frequently took place.

Tredway's book does not really answer the third question, or rather, it answers the question by saying Copperheads were motivated by all four considerations, economic, ideological, geographical, and racist. He does not concern himself with weighing each strand to find the key contributing factor. However, one of the better sections of the book is a biographical analysis of Copperhead leadership in Indiana, and this section perhaps suggests some conclusions that Tredway does not draw himself. In the chapter on "State Leaders of the Secret Orders," Tredway brings together biographical sketches of William A. Bowles of French Lick, Harrison D. Dodd of Indianapolis, Horace Heffren of Salem, Andrew Humphreys of rural Greene County, Lambdin P. Milligan of Huntington, and John C. Walker of Shelbyville. At least one thing united all these men: the federal authorities in 1864 tried to arrest them and try them for treason.

Little else seems to tie them together in any discernible political or social pattern. They were not all men of Southern origins; Heffren came from New York. They did not live in the south or south-central sections of the State; Milligan was from northern Indiana. If they were agrarians, it was a matter of ideology and not of occupation. Bowles was a physician and Heffren a school-teacher and lawyer. All were Democrats in 1860, apparently, but Dodd had been a Whig, a Know Nothing, and a Republican! Even as Democrats, they came from two different factions of the party, the Douglas and the Buchanan (in Indiana, Bright) faction.

Ideological motivations provide more interesting grounds for speculation if only because they are less clearly defined. However, such motivations had little to do with Walker, whose opposition stemmed from a personal feud with Indiana Governor Oliver P. Morton. Walker supported the war vigorously enough to command an Indiana regiment for almost a year, but fell out with Morton over politically-motivated appointments to his command. Still, he may have been ripe for feuding with Morton because of his pre-war identification with the (Douglas wing of the) Democratic party. Walker came to denounce Republican "tyranny" and "despotism [as good] as that of France or of Austria." He also denounced Republican intentions to subjugate the states and meddle with slavery.

Bowles also attacked the Republicans' "perverted construction of the Constitution" and defended slavery. He added economic considerations: Indiana was tied by commerce to the South and, if left alone with New England in the North, would simply become the "hughers of wood and drawers of water" for the Northeast. Dodd feared the development by Republicans of a "centralized power sufficient to reduce the States to territories" and denounced military interference with civil elections in Kentucky. Andrew Humphreys always warned of dangers to free speech and freedom of the press and urged the people "to stand up for their rights." Milligan began denouncing the "tyranny and usurpations" of the President as early as August, 1861, claiming the war was "illegally brought on by an usurper." The Union had to be saved by and for a "strict construction of the Constitution . . . and the faithful observation of the rights of every section of the Union." By 1864, Milligan was claiming that only a reunion of West and South could save Indiana from "pecuniary vassalage to the commercial and manufacturing interests of the East." He also prided himself upon his soundness on what he called the "Nigger question."

Tredway draws no particular conclusions, and perhaps he is right not to. These men represented, in Tredway's estimation, the party's "lunatic fringe." When Dodd mentioned to Joseph J. Bingham, chairman of the Democratic State Central Committee, a plan to release Confederate prisoners near Indianapolis and precipitate a revolution, Bingham was astonished, refused the request, and called a meeting of party leaders to convince him to drop his plans. Even so, Bingham apparently did not advise federal authorities; the Indiana Democratic party certainly tolerated such bizarre ideas. Moreover, even the lunatic fringe of a party may carry its underlying principles to their logical, if impolitic, extremes. The Copperheads' political opinions seem worth some analysis.

At first blush, one feels inclined to agree with Richard O. Curry that these Copperheads seem motivated by an old-fashioned ideology of strict constructionist constitutionalism. Their economic program seems opportunistic at most. Only Bowles and Milligan seem to have mentioned economic questions at all, and Milligan apparently came to stress the theme in 1864; in 1861, constitutional questions preoccupied him, and they still interested him at the later date. Bowles's mention of commerce was incidental to his stress on other themes. Walker had personal business interests of his own, interests of the internal improvement variety, river channelization and swamp reclamation, not agricultural interests.

Yet the constitutional theme fails to yield a consistent pattern as well. Horace Heffren, as a member of the Indiana legislature in 1861, argued that wars naturally abridged the liberties of the people and that the government's war powers must be broad. Eventually, he would denounce Lincoln for persistent violation of the Constitution and for dictatorial tendencies — but only after the issuance of the Emancipation Proclamation.

In fact, none of the men seems to have supported the war after September of 1862, though some supported it before then. Both Heffren and Walker were out of the military service by then and did not return. Humphreys surfaced as an opposition leader only in the spring of 1863; Dodd's activities apparently began to increase significantly about the same time. Bowles and Milligan opposed the war from the start, well before it could realistically be construed as a crusade against slavery, denouncing broad construction of the Constitution for the war effort. In both cases, however, strict constructionism was coupled with concern about slavery and might be interpreted as high-toned and statesmanlike codewords for racism. Bowles had brought some of his wife's slaves to Indiana in violation of the state constitution, but he had escaped conviction because of faulty indictments. During the secession crisis of 1861, he defied opponents to prove that slavery was not "legally and morally right." Milligan denounced the war as illegal in 1861, but he also denounced it as a war "for the furtherance of the ends of a foul, fanatical, abolition party."

There was no constitutional nicety involved in the Vincennes *Western Sun's* denunciation of Lincoln for dismissing McClellan in November, 1862: "We hope he will arrest Lincoln, Halleck, Stanton, and Company — place them in prison — disperse the present abolition



Photograph Courtesy of the Fort Wayne Public Library, Fort Wayne, Indiana

The above map of Indiana appeared in [Alfred T. Andreas], *Illustrated Historical Atlas of the State of Indiana* (Chicago: Baskin, Forester & Co., [1876]). To note the geographical location of the home counties of the men mentioned in this *Lincoln Lore* is to see that sectional interpretations of the Copperhead movement are too simple. The configuration of the counties, incidentally, was the same in Civil War times except that Jasper included the area of Newton.

Congress — call a convention of the states (excluding New England) to fix a basis for settlement.” One cannot help but wonder whether constitutionalism most often provided a high-sounding code for resistance to what was really feared, emancipation. In Tredway’s sketches of Copperhead leaders one can find instances of support for broad war powers, only a few instances of economic complaint about banks, tariffs, or railroads, but not a single claim of even moderate anti-slavery sentiment. Slavery attitude and not constitutionalism or economic interest seems to have been the commonest denominator.

Tredway begins his book by emphasizing policy towards Negroes as the most important of the various factors contributing to opposition to the Lincoln administration, but he loses interest along the way, choosing not to weigh the contributing factors in his leadership analysis which appears seven chapters later. The result is to give the impression that constitutionalism was more important than it really was and, therefore, that Democratic opposition was a *response* to Republican moves on all fronts, constitutional, economic, and racial. In short, Tredway believes that Democratic opposition was largely a response to Republican aggression. In asserting this, he documents what Frank Klement argued thirteen years ago in *The Copperheads in the Middle West*: that Democratic secret societies were mutual protection societies organized to counter Republican secret societies and loyal leagues, and that Democrats at first denounced all secret societies (a legacy of their anti-Know Nothing stance in the fifties perhaps).

In fact, Tredway tries to write two books at once. The first is a sort of social history of Indiana during the Civil War, focusing on violent partisan conflicts as reported in county newspapers. This is a patchwork of vignettes of soldiers run amok, of intimidation of the press and of public speakers, of draft resistance, and of calls for troops to put down expected violence. The second is a study of the Indiana treason trials. Both are worthwhile subjects, but they each deserve undivided attention. By splitting his focus, he obscures the issues and fails to document his conclusions effectively.

The first topic demands exclusive focus because the events are difficult to evaluate. One example is the death of Lewis Prosser. For all events of partisan violence there are at least two versions; in Prosser’s case the reports differ sharply. Here is the Republican version as summarized by Tredway:

... Lewis Prosser, former state legislator and a leader of the Brown County Democracy, appeared at the meeting [at Bean Blossom, April 18, 1863] with a companion named William Snyder armed to the teeth and intent upon breaking it up. Captain Ambrose D. Cuning and four soldiers of the 70th Indiana were present, however, and thwarted Prosser’s plan. A wild gun battle broke out in the crowded meeting hall when Prosser shot and killed a sergeant who was merely remonstrating with him. Prosser was put out of action by a bullet from the revolver of Captain Cuning and Snyder was overpowered and disarmed.

And here is the Democratic version:

Prosser had attended in response to “repeated and urgent solicitations” by Republican leaders to engage in “public discussion” with some of them. He and Snyder had been squirrel hunting and arrived still carrying their rifles. They disapproved of the speaking arrangements, however, and proposed to withdraw, but the soldiers attempted to force them to remain. A sergeant wrestled with Prosser and forcibly took his rifle, whereupon Prosser drew a revolver and killed his assailant.

To keep a long book from being even longer, Tredway concludes that the Democratic version is nearer the truth largely because the results of a bipartisan investigation initiated by Governor Morton were never made public. Tredway might at least have summarized the competing case. Both sides agree that Prosser came armed, that he brought an uninvited armed companion with him, and that Prosser fired first. Whatever the case, the reader will be indebted to Tredway for describing a large number of similarly interesting but little-known events.

Tredway’s answer to the first question about the Copperheads (how large a group were they?) is that they were a small group that grew larger as the Lincoln administration’s policies in regard to civil liberties drove

more and more moderate Democrats into agreement and association with the lunatic fringe. His answer to the second question concerning the nature of their platform is a departure from Klement, Curry, and other writers who have stressed the loyalty of the opposition in the Civil War. Tredway believes there was a Northwest Conspiracy with treasonable intentions, but he retains the flavor of Klement’s work by saying that it could have come to fruition only if defensive, that is, only if the Lincoln administration had used troops at the polls in Indiana in the same way it did in border slave states like Kentucky. Tredway’s proof of the latter point must rest on two things: (1) analysis of the plans of the leaders and (2) analysis of discontent in the State, showing that it was growing in 1864. The first he provides; the second, however, he fails to provide because he abandons his county-level social history for a close treatment of the treason trials and the events leading up to them.

This is not to say that the second book Tredway attempts to write is without its virtues also. Chief among them is a detailed analysis of the evidence from the treason trials, relying principally upon manuscript sources rather than the conventional source, Benn Pitman, ed., *The Trials for Treason at Indianapolis, Disclosing the Plans for Establishing a North Western Confederacy* (Cincinnati: Moore, Wiltach & Baldwin, 1865). Pitman, says Tredway, was not so much biased in his reporting as pressed for space, but the result was nevertheless distortion of the record. For example, summaries of testimony read like a narrative of the witnesses, but the testimony was actually elicited by unreported questions from the prosecutor. It is sometimes illuminating to know what questions witnesses were answering.

To some degree, Tredway’s observations on the trial do not go much beyond conventional folk wisdom. We all know the old saw that military justice is to justice what military music is to music. In other words, the treason trial could not live up to high standards of civil justice simply because it was trial by military commission. Nonetheless, the specific workings of such a trial are not common knowledge and Tredway’s description is interesting:

A military commission consisted of a board of army officers headed by a president which heard evidence and passed sentence, with two-thirds majority required for death. The commission also determined procedure and ruled on the admissibility of evidence. The president presided only nominally, and a trial was really controlled by the judge advocate, whose powers combined those of a prosecuting attorney and a presiding judge in the civil judiciary. Since the president of the commission and its members usually knew little of the law, they were subject to manipulation by the judge advocate.

Even more interesting is Tredway’s analysis of the actual testimony presented within the context of this trial by military commission. Here the reader will find the all-too-familiar trappings of state political trials: *agents provocateurs*, spies who were the steadiest attenders at secret meetings, and cases of near entrapment (in some cases, spies seem to have established the very military organizations which defendants got into trouble for joining).

Ironically, however, to undermine the proofs of guilt at the trial and to ridicule the extent of the supposed conspiracy is to undermine the first half of Tredway’s book. The effect is to document what Klement, Curry, and Stampf contended long ago, that the opposition was loyal and that conspiracies were largely the figments of Republican imaginations or even the constructs of Republican politicians in search of an issue to smear their honest adversaries. Not only does Tredway try to combine two books in one, but they are also books essentially at cross purposes with each other.

It is little wonder, though, that Tredway’s treatment of Copperheads in Indiana is confused, for confusion reigns supreme throughout the literature on the question. Take, for example, Curry’s historiographical summary of recent literature on the Copperheads. It is written to systematize and bring some clarity to the confusing mass of books and articles written about Copperheads in different states. These studies are written from perspectives

(To be Continued)



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TREASON IN INDIANA

A Review Essay (Cont.)

so different that some picture Copperheads as traitors on the brink of pulling the rug from under the Union, others as harmless lunatics on the fringe, and others as misunderstood victims of Republican oppression and propaganda. Instead of clarifying, Curry participates in the confusion which has dogged historians of the Copperheads from the start. The problem is one of definition. Are Copperheads Democrats, peace Democrats, or traitors?

Even Curry is not sure. On the very first page of his article he posits Copperheads and Republican Radicals as polar opposites, blaming the Radicals for interpreting the Copperheads' political dislike of emancipation, infringements of civil liberties, and the draft as "disloyal" and "treasonable." Here "Copperheads" clearly connotes "most Democrats" — only seen unfairly by the anti-slavery faction of the Republican party. Yet *most* Republicans and not just radicals were capable of seeing Copperheads in large numbers. The case of Richard W. Thompson provides an excellent example. Thompson was a conservative Whig turned Constitutional Union man in 1860. During the secession crisis, he himself envisioned a Northwest Confederacy, or rather a middle nation stretching from Virginia to California but excluding the South and New England. In the Thompson Manuscripts in the collections of the Lincoln Library and Museum is a letter written from Thompson to Governor John Letcher of Virginia on December 22, 1860, which begins this way:

Such is the fearful posture of our public affairs that we are all trying to look into the future, to see in what way the in-



From the Indiana Division, Indiana State Library, Indianapolis

Oliver P. Morton

The villain of Henry Adams's novel *Democracy* (1880) is Silas P. Ratcliffe, "the Prairie Giant of Peonia, the Favorite Son of Illinois." The novel's plot centers on the gradual discovery of the corrupt practices Ratcliffe uses to gain his politically powerful position as a strong contender for the presidential nomination. Like all the characters in the book, Ratcliffe is a blend of traits taken from the Washington life Adams had viewed at first hand. One of the models for Ratcliffe was certainly James G. Blaine, but another one may well have been Oliver P. Morton, a United States Senator by the time Adams was observing the Washington scene. One of the first ambiguous clues to Ratcliffe's character is the revelation that as wartime governor of Illinois, he had falsified election returns in order to save his state and ultimately the nation from being won "by the peace party." The event may well have been drawn from Morton's reputedly high-handed methods of saving Indiana from the Democrats. In actual fact, Tredway's book reveals that Morton frequently acted the part of a moderate, refusing to send troops to quash insurrections imagined by hysterical provost marshals and local Republican politicians. Only in the case of the election year of 1864 does Morton appear as the prime mover in attempts to exacerbate the Copperhead problem.

terest of the several sections is to be preserved and advanced. It will not do to let the material prosperity of the Country be all sacrificed and destroyed by political or sectional broils, — and whether the Union shall remain intact or be finally & entirely dissolved, every reflecting man must see that the central belt of States, from the Atlantic to the Pacific, must always share a common destiny. In the event of dissolution they would have no difficulty in forming a satisfactory union, — leaving the extreme north to indulge its vagaries alone, and the extreme South to develop its capacity and resources in its own way.

When the Emancipation Proclamation was issued, Thompson remained true to his lifelong acquiescence in the existence of slavery and drafted a long protest saying that it was constitutionally unjust and racially dangerous. This petition is also among the Thompson manuscripts at the Lincoln Library and Museum; the following passages are representative of Thompson's sentiments expressed in the petition of January 26, 1863:

We have still a nation to be preserved, — the constitution yet survives the shock of battle, — and we should prove recreant to the obligations which rest upon us as citizens of a government, hitherto the happiest in the world, were we to omit to do, whatever we may rightfully do, to perpetuate it for our children. . . . The gallant and noble-hearted soldiers who compose this army, have obeyed your call with unparalleled alacrity, and have willingly exchanged the comforts of home for the

hardships of the camp and the hazards of the battlefield, that they may fight *for the Constitution*. . . . Such an army may be trusted . . . so long as *this* great object is kept steadily before it. What it would become, if another object were substituted for this, infinite wisdom can alone foresee. . . . You have, however, . . . thought it to be your duty to take a still further step — *beyond the law* — and to issue a *proclamation* giving freedom to the *slave* property of every *loyal* man, woman, child and lunatic, who is so unfortunate as to reside within the limits you have defined. By this act, . . . you propose that loyal citizens shall be punished by the forfeiture of their property, when, *by the law*, they are held guiltless of any offence against the Government. . . . the question whether slavery advances or retards the prosperity of a State, or whether the slave of a loyal man shall still remain in bondage, or be made free, must be left where the Constitution leaves them, — to the States themselves

Here was constitutional delicacy worthy of a Copperhead. In the petition Thompson also answered abolitionists' criticism with the Copperheads' stock argument based in racial fear:

[Mr. Seward] furnished . . . a complete answer to all their [the abolitionists'] clamorous denunciation of your avowed policy, and to all their vamping about an emancipation crusade. He said . . . "Does France or Great Britain want to see a *social revolution*, with all its horrors, like the *slave revolution* in St Domingo? Are these powers sure that the country or the world is ripe for such a revolution, so that it may be certainly successful? What, if inaugurating such a revolution, slavery, protesting against its *ferocity* and *inhumanity*, should prove the victor?"

Yet Richard Thompson became a Republican, possibly as early as 1860. When the war came, he served first as commandant of Camp Vigo (later named Camp Dick Thompson) in Vigo County, recruiting and organizing Indiana soldiers to put down the rebellion and, eventually, to free the slaves. In 1863, Lincoln appointed him provost marshal of the Seventh Congressional District in Indiana. His recruiting and organizing activities continued, but he also began to engage in what might be called matters of internal security. He reported disturbances like the murder of a draft enrollment officer, blaming it on a group of some 1,200-1,500 potentially rebellious citizens. He reported rumors that arms were being shipped into the district at an alarming rate, and he urged inspections of packages to detect such shipments. He even employed a spy who signed his letters "H." to report to him regularly on the activities of potentially disloyal local groups. In short, Thompson believed in and reported to state officials a sizeable Cop-

perhead menace. His suspicions may have been paranoid, but they were not, at least, the products of a Radical imagination. Nor would private warnings and the clandestine employment of spies seem to be necessary simply to fabricate a Copperhead menace for political ends; that could be accomplished without any knowledge, and the noisier the accomplishment the better.

Most often, Curry seems to mean by "Copperhead" not *most* Democrats but the *conservative* Democratic faction. Indeed, the upshot of most revisionist writing about the Copperheads is to show that very few, if any, Democrats were Copperheads, if by that term one means treasonous opponents of the war. Curry refers to revisionist writings about "the aims and objectives of conservative northern Democrats" which dispute "the Copperhead stereotype." Three pages further on, he refers to the "Peace Democrats, a label attached to those Copperheads unrealistic enough to believe the Union could be restored if only North and South could be persuaded to come together at the conference table." Yet Curry quotes without comment Robert Rutland's remark that "the hard core of the Copperhead movement was located . . . in the areas voting Democratic in pre-war Iowa" as though it said the same thing of Iowa that Eugene Roseboom did of Ohio when he said that "the Peace Democrats of Ohio were the old-line, hard-shell Democrats."

Is a Copperhead by definition a Peace Democrat or are the Peace Democrats only the "unrealistic" faction of the Copperheads? It is hard to tell from Curry's article. The confusion is serious. When Curry says, "Kenneth Stampp goes one step further by arguing that Hoosiers living in the southern part of the state, because of their dependence upon the river trade, had more to fear economically from a successful rebellion than people in any other section," what does it imply? Does it mean there were no Copperheads in southern Indiana because everyone supported the war from fear of disruption of the river trade? Or does it mean the Copperheads in southern Indiana supported the war? If the latter, how does one tell a Copperhead from a War Democrat?

It is hard to compare studies of Copperheads because it so often boils down to comparing apples and oranges. Some are studying peace Democrats, some are studying Democrats in general, and some seem to be studying conservative Democrats who like the war but are not War Democrats, whatever that is. Among those studying peace Democrats, some are studying people who wanted reunion but thought an armistice would bring it about, and some are studying people who wanted peace on any terms. The result in historiography is that we know little of the Democratic party in general — even of its 1864 presidential candidate's political views — because historians so often focus on treason trials when they start out to find out what exactly Democrats be-



From the Lincoln National Life Foundation

Richard Wigginton Thompson (1809-1900) is famed for his nationalism. Like his exact contemporary Abraham Lincoln, Thompson was a Whig until he perceived that the party was dead. Thompson's perception of the party's demise came in 1852 (much earlier than Lincoln's), and thereafter their ways parted for a while. Thompson became active in Indiana's Know Nothing movement, remained in that movement after most Know Nothings deserted to the Republicans, and became a member of the Constitutional Union party. Thompson thus avoided joining the Republican party (which he thought was a sectional party) until the secession crisis; even after joining the Republicans, he remained critical of their policies on race and worked mainly to restore the Union. Despite the conservative love of the Union seemingly exemplified in this superficial capsule of Thompson's political career, the actual limits of his nationalism are discussed in this *Lincoln Lore* and reveal further the complexities of evaluating his enemies in the Civil War, the Copperheads.

lieved and did from 1861 till 1865.

Curry's article and most of the works attempting to exonerate the Copperheads mesh perfectly with the work of revisionists of the history of pre-Civil War America (like Beveridge, Milton, and even Robert Johannsen). William Dusingberre describes this school of thought accurately in a little-known book entitled *Civil War Issues in Philadelphia, 1856-1865* (Philadelphia: University of Pennsylvania Press, 1965):

A revisionist interpretation stresses the ill consequences of the abolitionist and radical Republican agitation against slavery. According to this view, Northern radicals (together with their counterparts, the Southern "fire-eaters") provoked an unnecessary war by arousing popular emotions about issues which, rationally considered, were of little importance. In the wartime North the most noteworthy political disputes took place, not between Democrats and Republicans, but between disruptive radicals and sober conservatives within the Republican Party. Conservative Republicans, it is implied, had much in common with the great bulk of the Democratic Party, which loyally supported the war; "Peace Democrats" were of comparatively little significance.

Thus Dusingberre explains the spirit of much of the revisionist work on Copperheads and, in particular, Curry's suggestion that Copperheads were the constructs (real or imagined) of Republican Radicals. Dusingberre himself holds that there seem to be very sharp contrasts between Republicans and Democrats, and the difference between the factions within the two parties may not be as sharp.

Analysis of Curry's confusion is a round-about way of pointing up the most misleading and glaringly inaccurate part of Tredway's book, the title. Calling what he studies the "Democratic" opposition to the Lincoln administration caused severe disappointment for this reader. I expected a study of the speeches of Daniel Voorhees and Thomas Hendricks or of the voting records of Democrats in the Indiana legislature or of the voting records of Indiana's Democratic representatives in Washington. Such a study was needed before Tredway's book, and it still is. The Democratic party during the Civil War remains the dark continent of American history, shrouded in mystery, misconception, and sensational rumor. Tredway began his book in a way that would have been a valuable corrective to Curry's error, documenting profound differences between Republicans and Democrats. But he ended the book as a captive of the old-fashioned view, minimizing the seriousness of the Indiana Copperheads' intentions and strength.

The title is doubly disappointing because of its reference to the "Lincoln Administration." Abraham Lincoln's relationship to the events in the book is sketchy, but he gets the blame for everything Tredway hates. It is an avowedly anti-Lincoln book. Tredway announces in the "Introduction" his intention to "pursue what may be described as a critical approach to the administration of Abraham Lincoln and its policies." Yet it is a study of resistance to Oliver Morton, to various Union military commanders in Indiana, and even to draft enrollment officers. Some were Lincoln appointees, and some were not. Morton, certainly, was no appointee; he was the governor elected by the people of Indiana. Besides, is every last mail-carrier, even in the days before civil service reform, a member of the "administration"? Nonetheless, by the end of the book, Tredway comments on the "distinct streak of ruthlessness in the Civil War President" and says "the true Lincoln nobody knows" was "the man of blood and iron."

Tredway's documentation of these charges depends on two critical events, one of which did not even occur in Indiana, federal interference with elections in Kentucky, and Lincoln's aid in Morton's scheme to arrest the alleged traitors. If the first event is so important for Tredway's book, his reference to "Indiana" in the title misleads once again, though he does make a good point that awareness of events in neighboring Kentucky alarmed Democrats in Indiana. It should be added that Tredway relies heavily for his account of Kentucky events on the work of E. Merton Coulter, a notoriously pro-Southern source.

Lincoln's help to Morton seems the most important, if for no other reason than that it links Lincoln directly to the events in Indiana, the avowed subject of the book. Moreover, Lincoln's aid seems to have escaped comment by previous writers. During the summer of 1864, Governor Oliver P. Morton and federal authorities represented primarily by General Henry B. Carrington in Indianapolis were contemplating the arrests of some of the alleged leaders of the Northwest Conspiracy. The major Republican newspaper in Indiana urged hanging the men, but it urged they get that sentence by regular process in civil courts. General Carrington, a former abolitionist and associate of Salmon P. Chase noted today primarily for his ruthless suppression of domestic foes, also wanted them tried in ordinary civil courts and wanted only a few select leaders to be arrested. Governor Morton, on the other hand, was an elected official. Feeling the pressure of the coming autumn elections, he wanted the alleged traitors arrested in August; it was "essential to the national cause in the coming elections." Moreover, Morton wanted them to be tried by military commission. Tredway relates what ensued (the chronology is a bit loose):

General Heintzelman, commander of the Northern Department, shared Carrington's view that the exposures and arrests of August and September had achieved the necessary political effect and refused to sanction Morton's proposal. The governor then went to the President, who had no inhibitions. Lincoln organized the District of Indiana separately from the Northern Department so as to by-pass Heintzelman and replaced Carrington with General Alvin P. Hovey, who had no compunctions about military arrests and trials. Hovey assumed command on August 25, [Bowles and Dodd were arrested in September] and for good measure Heintzelman was superseded by General Joseph Hooker on October 1. A new wave of arrests began on October 5 and added the names of Bingham, Heffren, Humphreys, and Milligan to the list of prominent prisoners.

Tredway's account of the incident is an improvement upon Stamp's in that Tredway makes explicit who accomplished the shake-up in Indiana's federal high command. Stamp implies that it was Morton but does not say what authorities Morton had to convince:

... Morton feared delay and frankly asserted that an immediate trial was "essential to the success of the National cause in the autumn elections." Hence he quickly obtained an order for Carrington's removal. On August 25 the Governor secured the appointment of Gen. Alvin P. Hovey, a political general from Indiana who was thoroughly in sympathy with his course.

But from whom, one wonders. Tredway says it was from Lincoln, but his source is apparently the same as Stamp's, the Carrington Papers. Stamp had no apparent motive to keep Lincoln's connection silent; his book, after all, was written to exonerate Indiana Democrats from charges of Copperheadism or disloyalty. Tredway cites no source in any Lincoln collection nor any evidence at all that Lincoln changed officers to satisfy Morton. Hovey's instructions, which authorized him, according to Tredway, "to make military arrests, to organize military courts and employ them to try citizens, and to carry their sentences into effect," came from the Assistant Adjutant General. To a man uninformed about the situation, Hovey might have looked more lenient than Carrington, for Hovey was an Indiana native and a former Democrat. To carry the great weight of justifying the title of the book and the book's persistent animus against Lincoln, the event needs more direct evidence and more specific documentation.

In the last analysis, Tredway's conclusions are unconvincing as well as mutually contradictory. His use of evidence is clumsy. However, the evidence itself is interesting. The social history from county newspapers, the examination of the testimony from the treason trials, and the sketches of the defendants in those trials make interesting reading. The book offers little or nothing in the way of quantitative evidence, but it is the product of much research in manuscript collections and newspapers. Tredway's book will interest the reader, but I doubt that it will convince him.

The Impeachment of Andrew Johnson: Recent Articles

Michael Les Benedict, the author of the book on the impeachment and trial of Andrew Johnson reviewed in the *Lincoln Lore* for November, 1973, published "A New Look at the Impeachment of Andrew Johnson" in the *Political Science Quarterly* for September, 1973. The article discusses only the impeachment (not the trial) and is written more for the student of law or government interested in the event as a precedent than for the student of Reconstruction history.

Stanley I. Kutler, himself the author of a book on *Judicial Power and Reconstruction Politics* (Chicago: University of Chicago Press, 1968), reviews Benedict's book in the issue of *Reviews in American History* for December, 1973. Kutler uses Benedict's book to counter the argument of Raoul Berger's *Impeachment: The Constitutional Problems* (Cambridge: Harvard University Press, 1973). It is Berger's contention that impeachment should be subject to judicial review. Berger, the lawyer, has more faith in judges than Benedict and Kutler, the historians. Berger's distrust of legislators is based on the old-fashioned view of Andrew Johnson's impeachment as the result of political vindictiveness. Yet Berger's own book argues that impeachment need not be confined to cases of indictable criminal action. He fails to make the logical leap that Benedict did. Reasoning that the legislators did not ignore constitutional re-

straint, Benedict could reevaluate the whole story of Johnson's impeachment.

The Congressional elections of 1866 and 1867 figure prominently in any estimate of Reconstruction politics and Andrew Johnson's presidency. Benedict stressed the election of 1867 in his book. Lawrence N. Powell gives a refreshing look at the "Rejected Republican Incumbents in the 1866 Congressional Nominating Conventions" in the September, 1973 issue of *Civil War History*. Powell shows that traditional election practices such as the rotation of candidates in accordance with their residence in two- or three-county Congressional districts caused many elections to turn on issues other than ones involving national Reconstruction. He thus challenges the assumption that the 1866 election was a radical sweep, even suggesting that in many cases candidates were rejected regardless of their stance on Reconstruction.

Since Richard E. Neustadt's work was mentioned in the historiographical introduction to the *Lincoln Lore* article on Johnson's impeachment, perhaps his most recent work deserves notice. In *The New York Times Magazine* of October 14, 1973, Neustadt reconsiders presidential power in an article entitled "The Constraining of the President."



From the Lincoln National Life Foundation

The Declaration of Independence rejected the rule of a monarch, and Americans ever since have pictured Presidents who seem to exceed their official powers as kings. Thomas Nast drew Andrew Johnson as King Richard III for the *Harper's Weekly* of July 25, 1868. Johnson was made to appear as Shakespeare's despot searching for any horse to ride to power, whether it be a Republican, Democratic, or Conservative horse. The cartoon appeared after the Democratic Convention of 1868 nominated Horatio Seymour to run for the presidency.

